

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BERNICE RODRIGUEZ,

Plaintiff,

MEMORANDUM AND ORDER

-against-

08-CV-2618 (SLT) (VVP)

WRIGHT, SCOTT & ASSOCIATES, LLC,

Defendant.
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TOWNES, United States District Judge:

On June 30, 2008, plaintiff Bernice Rodriguez commenced this case against defendant Wright, Scott & Associates, LLC – a limited liability company located in Owings Mills, Maryland – by filing a complaint alleging violations of the Fair Debt Collections Act, 15 U.S.C. § 1692 *et seq.* On August 27, 2008, a process server affiliated with the Owings Mills office of Attorney Services Corporation attempted to serve defendant by personally serving a copy of the summons and complaint on one Mark Brown. The return of service, filed September 9, 2008, identified Mr. Brown only as “supervisor,” but did not indicate whether Mr. Brown was an officer of Wright, Scott & Associates or was otherwise authorized to receive service on behalf of defendant.

Defendant failed to file an answer to the complaint and on February 27, 2009, plaintiff requested that a default be entered against defendant pursuant to Fed. R. Civ. P. 55(a). By Memorandum and Order dated August 24, 2009, this Court denied plaintiff's request, explaining that plaintiff's submissions were insufficient to establish that defendant was properly served with process under either Maryland or New York law. This Court granted plaintiff leave either (1) to amend her motion for entry of default in order to show that the service of process on defendant

was adequate or (2) to re-serve defendant. However, the Court ordered that plaintiff amend her motion or re-serve defendant on or before September 14, 2009, and warned that if plaintiff failed to do so within the time provided, this case would be dismissed pursuant to Fed. R. Civ. P. 4(m).

According to the docket sheet, plaintiff has yet to either amend her motion for entry of default or re-serve defendant. Accordingly, this action is dismissed pursuant to Fed. R. Civ. P. 4(m).

CONCLUSION

Since plaintiff neither amended her motion for entry of default nor re-served defendant within the time allowed by this Court's Memorandum and Order dated August 24, 2009, this action is dismissed pursuant to Fed. R. Civ. P. 4(m). The Clerk of Court is directed to enter judgment and to close this case.

SO ORDERED.

s/ SLT

/ SANDRA L. TOWNES
United States District Judge

Dated: October 16, 2009
Brooklyn, New York